

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 CRAIG CARROLL,

12 Plaintiff,

13 v.

14 BUREAU OF PRISONS UNITED
15 STATES PENITENTIARY, ATWATER,

16 Defendant.
17

No. 1:21-cv-00081-DAD-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 2, 8)

18 Plaintiff Craig Carroll is a federal prisoner proceeding *pro se* in this civil rights action
19 pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge
20 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On January 25, 2021, the assigned magistrate judge issued an order directing plaintiff to
22 pay the filing fee required for this action or submit an application to proceed *in forma pauperis*.
23 (Doc. No. 4.) Plaintiff failed to do so or and also failed to otherwise respond to the magistrate
24 judge's order. Therefore, on March 24, 2021, the magistrate judge issued an order to show cause
25 why this action should not be dismissed due to plaintiff's failure to comply with a court order.
26 (Doc. No. 6.) That order cautioned plaintiff that "[f]ailure to comply with this order w[ould]
27 result in a recommendation that this action be dismissed." (*Id.*) Nonetheless, plaintiff failed to
28 respond to the order to show cause.

1 On April 30, 2021, the magistrate judge issued findings and recommendations,
2 recommending that this action be dismissed due to plaintiff's failure to pay the required filing fee
3 or file an application to proceed *in forma pauperis* and because plaintiff did not respond to the
4 courts' orders directing compliance with this requirement. (Doc. No. 8.) The findings and
5 recommendations were served on plaintiff and contained notice that any objections thereto were
6 to be filed within fourteen (14) days. (*Id.* at 2.) To date, no objections have been filed, and the
7 time to do so has long since passed.

8 The undersigned noted that the docket reflects that plaintiff had filed a motion to proceed
9 *in forma pauperis* on January 21, 2021, which was the same day his complaint in this action was
10 filed. (Doc. No. 2.) While plaintiff did not use the court-provided application (*see, e.g.*, Doc. No.
11 4-1), he nonetheless had attempted to comply with the requirement to pay the filing fee or request
12 *in forma pauperis* status. Accordingly on June 15, 2021, the court issued an order directing
13 plaintiff to file a copy of his most recent inmate trust statement with the court, as well as complete
14 the attached application to proceed *in forma pauperis* within fourteen (14) days of service of this
15 order. (Doc. No. 9.) However, plaintiff has once again failed to respond to a court order, and the
16 time in which to do so has again passed.

17 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
18 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
19 and recommendations to be supported by the record and by proper analysis.

20 Accordingly,

- 21 1. The pending findings and recommendations issued on April 30, 2021 (Doc. No. 8)
- 22 are adopted in full;
- 23 2. This action is dismissed without prejudice due to plaintiff's failure to pay the filing
- 24 fee for this action and failure to obey court orders; and
- 25 3. The Clerk of the Court is directed to close this action.

26 IT IS SO ORDERED.

27 Dated: July 6, 2021

28 
UNITED STATES DISTRICT JUDGE